

## GERMAN PATENT AND TRADEMARK OFFICE

German Patent and Trademark Office – 80297 München

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File Number: 199 41 198.0-53

Applicant: Fraunhofer-Gesellschaft  
zur Förderung der angewandten  
Forschung e.V.

Your File: 990509DE

Please include file number and applicant with  
all submissions and payments

*RECEIVED ON: 08.28/04.09*

appropriate items marked with [x] or  
filled out!

Request for examination made effective August 30, 1999

Submitted: August 30, 1999

received: August 30, 1999

Further examination of the above-mentioned patent application has led to the  
following result. A period of

**four months**

is provided for a response, which starts with the date of delivery.

Respectively **two copies** of all documents, which may be added to the response  
(e.g. patent claims, description, text passages from the description, drawings) must be  
submitted on separate pages. Only one copy of the response itself is required.

If the patent claims, the description of the drawings are changed during the course  
of the examination procedure, the applicant must list individually the location in the  
original documents where the inventive features, described in the new documents, can be  
found, provided the changes are not suggested by the German Patent and Trademark  
Office itself.

The following cited references are mentioned for the first time in this Office Action (the  
same numbering applies to the continued procedure):

### **Reference to the Option of Filing a Divisional Design Patent**

The applicant of a patent application filed effective after January 1, 1987 in the Federal Republic of Germany, can file a  
design patent (utility model), relating to the same subject matter, and can simultaneously claim the date of the  
application of the earlier patent application. This divisional (§ 9 of the Utility Model Act) is possible until the end of 2  
months following the end of the month in which the patent has been withdrawn due to a legal rejection, voluntarily or a  
fictional withdrawal, an objection procedure has been concluded or – in case of a patent granting – the period of  
objection to the granting of the patent has expired without result. Detailed information on the requirements for filing a  
utility model application, including the divisional, is contained in the Information Sheet for Utility Model Applicants  
(G 6181), which can be obtained free of cost from the German Patent and Trademark office and the patent information  
centers.

The following references are mentioned for the first time in this Office Action.  
(The numbering of these references is valid for the continued procedure.)

I.

1. EP 0 211 482 A2

The subjects of patent claims 1 to 3 at least suggest themselves on the basis of the prior art.

Thus, the gist of the subject matter described in reference 1 is:

- the use of a homogenized mixture, consisting of at least one polysaccharide, a surface-active substance and water as coupling medium (hydrogel) for transverse ultrasound waves;
- for which a thin layer of the mixture (3mm hydrogel) is inserted between a surface of a probe and one surface of a transmitting or receiving transducer for transverse ultrasound waves and wherein both surfaces are pressed together; and
- a coupling medium (hydrogel) for transverse ultrasound waves, consisting of a homogenized mixture of at least one polysaccharide, a surface-active substance and water (compare cited reference 1, among others claims 1 to 5 and the description on pages 2-3).

Thus, the subjects of patent claims 1 to 3 are essentially known. Each of the patent claims 1 to 3 therefore is not allowable for lack of patentability.

Furthermore, the remaining dependent claims do not show any patentable special features.

Given this state of the facts and the legal situation, we initially cannot see any chance of success for this application.

## II.

If applicant considers other special technical features patentable, applicant is urged to

- a) submit, if possible, a clarified, positively formulated object;
- b) submit a new set of claims that is restricted relative to the prior art and has a main claim providing a clear and complete solution;
- c) prove that features that may be incorporated into the new set of claims are disclosed as being essential to the invention;
- d) explain the inventive step on the basis of the features providing a technical solution, as compared to the proven state of the technology;
- e) acknowledge the prior art (cited reference 1, ....) in the description.

If the application is maintained with the same set of claims or a set having the same content, a rejection of the application must be expected.

Examination Office for class G 10 K  
Dipl.-Ing. Kühn  
Telephone: 3082

Enclosure:  
Copies of 1 cited reference (3 copies)

**Issued:**

/s/ \_\_\_\_\_ [signature not legible]  
Gov. Employee

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AND TRADEMARK OFFICE – 23]

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